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10/630,392	07/30/2003	Prasanna Amitabh	CHA920030017US1	9419

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
06/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

	Application No.	Applicant(s)
Office Action Summary	10/630,392	AMITABH ET AL.
	Examiner	Art Unit	
	AKIBA K. ROBINSON BOYCE	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 April 2009</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/09 has been entered.

Status of Claims

2.   Due to communications filed 4/22/09, the following is a non-final office action. Claims 1, 10 and 18 are amended. Claims 1-26 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn, and claims 1-26 are now rejected as follows.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth

in section 102 of this title, if the differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability

shall not be negatived by the manner in which the invention was made.

4.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Breslin et al (US 2004/0098285 A1), and further in view of Jaskolski et al (US

2003/0055684 A1), and further in view of Sarno (US 2002/0042751 A).

        As per Claim 1, Breslin et al discloses a customer relationship management

(CRM) system that is accessible via a network, ([0009], core repository that manages,

monitors and measures all data privacy assessments across an institution, [0030], using

a distributed client/server architecture , w/[0031], client is a web-based browser

application), comprising:

        a user interface that provides distributed access for support providers to

information within the CRM system, (page 7, table 6 [OAP 1] shows the user interface

has a list of applications to select from),

        and wherein the user interface provides access to a customer management page

for viewing all cases opened for a given customer and a case summary page for

viewing details of individual stored within the CRM system, ([0077)], shows a user

interface screen for providing the user with access to the collection, library, of data

privacy materials that has been collected by the enterprise, and tables 4 and 6 shows

user is able to select an application from a list of applications, [0013], user interface that

allows upper management to review risk exposure and compliance status, and Fig 5,

Fig 11);

- a management system for managing customer, wherein the management

system includes a system for assigning to different tiers within a support provider

hierarchy; ([0015], access levels for review of risk exposure and compliance) and

-a compliance tracking system that retrieves previously loaded customer

compliance data from a database, ([0055], shows <u>database</u> can be consulted when

system determines the <u>compliance</u> of the application with the laws and regulations of

the jurisdictions in which the application operates);

wherein the compliance data consists of information related to whether a

customer has met certain required pre-set goals set by the CRM system, compares the

compliance data for each customer with predetermined levels to determine customer

compliance and provides a compliance indicator on the customer management page,

([0012], shows <u>compliance</u> with applicable sate and Federal laws is assessed and once

risk is acknowledged, a plan for reducing the risk or bringing the groups procedures into

<u>compliance</u> can be formulated, and progress towards <u>compliance</u> can be tracked, and

[0069], compliance indicator is displayed, in this case comparing is obvious since

compliance with applicable state and Federal laws requires some type of comparison between current applications and the state and Federal laws).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to compare compliance data for each customer with predetermined levels with the motivation of determining current compliance data.

Breslin et al fails to disclose allowing the customer to access case information, and, wherein the customers and the support providers are separate and distinct institutions, however does disclose that an application could have contact with both customer and employee data in [0047], and in [0033], lines 1-6 of Breslin et al, they show that the person assigned with the responsibility to assess a particular application that involves data with a privacy component describes the application to system 10, and the responsibility for describing the application is typically assigned to the manager in charge of the application, thereby suggesting a case since the manager is assigned to an application. However, Jaskolski et al discloses a participant in the system may be the patient himself, or skilled and unskilled staff in a case management situation, as shown in [0039],and where case number assignment is incorporated in [0048]. It therefore would be obvious to combine the teachings of Breslin et al and Jaskolski et al to disclose allowing the customer to access case information, and, wherein the customers and the support providers are separate and distinct institutions.

It would have been obvious to one of ordinary skill in the art at the time of the application to disclose allowing the customer to access case information, and, wherein

the customers and the support providers are separate and distinct institutions with the

motivation of showing that two individual parties are able to access case information.

Neither Breslin nor Jaskolski et al disclose wherein a customer case includes a

request from the customer to the support provider for support, however, in [0033], lines

1-6 of Breslin et al, they show that the person assigned with the responsibility to assess

a particular application that involves data with a privacy component describes the

application to system 10, and the responsibility for describing the application is typically

assigned to the manager in charge of the application, thereby suggesting a case since

the manager is assigned to an application, and also, Page 7, table 7 [Web 4] of Breslin

shows that the customer has an opt out selection for data privacy review, which

suggests a "request" since if the customer does not opt out for data privacy services,

this is analogous to a request for services.

However, Sarno shows the detailed review of different screens of an individual

case in Figs 2-12, Sarno discloses that intermediate service providers provides

infomediary services (e.g., for a transaction fee), and for example, the intermediate

service may be provided as an Internet application that allows buyers to submit

requests for solutions based upon a business case. It therefore would be obvious to

combine the teachings of Breslin et al and Sarno to disclose wherein a customer case

includes a request from the customer to the support provider for support.

It would have been obvious to one of ordinary skill in the art at the time of the

application to disclose wherein a customer case includes a request from the customer

to the support provider for support with the motivation of showing that a case involves a request to provide services.

As per Claim 2, Breslin et al further discloses the CRM system of claim 1, wherein the case management system further includes a notification system for automatically generating emails when a new case is opened, ([0040], email notifying the person of the assignment and the responsibilities associated therewith)

As per Claim 3, Breslin et al further discloses the CRM system of claim 1, wherein the case management system further includes a system that allows support providers to check-in/check-out cases, ([0040], when assignment is made, input screen shows date on which the assignment was accepted and updates the applicable database to record the assignment, [0045], shows alternate assignments, which makes checking out cases obvious since when re-assigning to an alternate application, the case must be checked out for the first application).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to check-out cases with the motivation of ending processing of a first case.

As per Claim 4, Breslin et al further discloses the CRM system of claim 1, wherein the case management system further includes a set of business rules that determines what level of case information is to be made available to customers and support providers. ([0014], higher level managers have broader access than lower level managers, which is based on seniority)

As per Claim 5, Breslin et al further discloses the CRM system of claim 1, wherein the case management system further includes a set of business rules that determines how cases are to be assigned and escalated among the different tiers of support providers. ([0014], cases are assigned based on seniority)

As per Claim 6, Breslin et al further discloses the CRM system of claim 1, wherein the compliance tracking system includes a set of business rules that determines a compliance risk level for each customer. ([0014], ability to access risk assessment data)

As per claims 7-8, 12, 17 and 24-25, Breslin et al discloses mostly all of the limitations including wherein the portal page provides access to a customer case management page for viewing all cases opened for a given customer and a case summary page for viewing details of individual cases as shown in [0004], where a summary or compiled data is shown.

Breslin et al also discloses wherein the compliance risk level is selected from the group consisting of: in compliance, in danger of becoming out of compliance, and out of compliance in [0012], where compliance is shown with applicable sate and Federal laws is assessed and once risk is acknowledged, a plan for reducing the risk or bringing the groups procedures into compliance can be formulated, and progress towards compliance can be tracked.

Breslin et al also discloses and also wherein the compliance indicator comprises a traffic light indicator having a green, yellow, and red light as shown in [0073], where

green, amber and red are shown as compliance indicators. In this case, amber

represents yellow.

As per Claim 9, Breslin et al further discloses the CRM system of claim 6,

wherein the compliance tracking system includes a system for creating a new customer

case when a predetermined compliance risk level occurs (abstract, lines 18-24, If a <u>risk</u>

<u>exists,</u> a plan for reducing the <u>risk</u> or bringing the application into compliance can be

formulated, and progress towards compliance can be tracked, w/[0010], shows a six-

step system to bring status into compliance, which includes employing automated

questionnaires, which is a step involved in processing of assessment for each

application, which therefore suggests that the process is done for *new* applications

since as shown in [0033], the person is just assigned to a particular application for the

purpose of review/assessment).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to create a new customer case when a predetermined compliance

risk level occurs with the motivation of creating a new case that can be re-assessed for

compliance.

As per Claim 10, Breslin et al further discloses a method for providing customer

relationship management (CRM) via a computer network, comprising:

-providing a network node that allows distributed access, ([0009], core repository that

manages, monitors and measures all data privacy assessments across an institution,

[0030], using a <u>distributed</u> client/server architecture , w/[0031], client is a web-based

browser application);

-opening a new case within the CRM system when a customer issue occurs,

(abstract, lines 18-24, If a risk exists, a plan for reducing the risk or bringing the

application into compliance can be formulated, and progress towards compliance can

be tracked, w/[0010], shows a six-step system to bring status into compliance, which

includes employing automated questionnaires, which is a step involved in processing of

assessment for each application, which therefore suggests that the process is done for

new applications since as shown in [0033], the person is just assigned to a particular

application for the purpose of review/assessment).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to create a new customer case when a predetermined compliance

risk level occurs with the motivation of creating a new case that can be re-assessed for

compliance.

- adding the new case to a customer case management page; ([0054], add

button adds jurisdictions that are applicable to the application under review)

- displaying a compliance indicator when the customer case management page

is viewed; ([0069], compliance indicator is displayed);

wherein the compliance indicator is based on information related to whether a

customer has met certain required pre-set goals set by the CRM system, ([0012], shows

compliance with applicable sate and Federal laws is assessed and once risk is

acknowledged, a plan for reducing the risk or bringing the groups procedures into

compliance can be formulated, and progress towards compliance can be tracked);

- assigning the new case to a first tier support provider; ([0033], lines 1-8,

assignment to the manager in charge of the application, as this is the person in the

organization with the most intimate knowledge about the current state of the operation

of the application at any given time)

The following is suggested by Breslin et al since access levels are assigned

based on seniority or management status as shown in [0015], and higher management

is shown to have more knowledge as shown in [0033]:

-determining if the first tier support provider can handle the new case; and

-escalating the new case to a second tier support provider if the first tier support

provider cannot handle the case.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to determine if the first tier support provider can handle the new

case, and escalate the new case to a second tier support provider if the first tier support

provider cannot handle the case with the motivation of providing a case for assessment

to someone with more knowledge.

Breslin et al fails to disclose for access for both customers and support providers

to a CRM System, wherein the customers and the support providers are separate and

distinct institutions, however does disclose that an application could have contact with

both customer and employee data in [0047].

However, Jaskolski et al discloses A participant in the system may be the patient

himself, or skilled and unskilled staff as shown in [0039]. It therefore would be obvious

to combine the teachings of Breslin et al and Jaskolski et al to disclose allowing the

customer to access case information, and , wherein the customers and the support

providers are separate and distinct institutions.

It would have been obvious to one of ordinary skill in the art at the time of the

application to disclose allowing the customer to access case information, and , wherein

the customers and the support providers are separate and distinct institutions with the

motivation of showing that two individual parties are able to access case information.

Neither Breslin nor Jaskolski et al disclose wherein the customer issue includes a

request from the customer to the support provider for support, however, in Page 7, table

7 [Web 4] of Breslin shows that the customer has an opt out selection for data privacy

review, which suggests a "request" since if the customer does not opt out for data

privacy services, this is analogous to a request for services.

However, Sarno shows the detailed review of different screens of an individual

case in Figs 2-12, Sarno discloses that intermediate service providers provides

infomediary services (e.g., for a transaction fee), and for example, the intermediate

service may be provided as an Internet application that allows buyers to submit

requests for solutions based upon a business case. It therefore would be obvious to

combine the teachings of Breslin et al and Sarno to disclose wherein the customer issue

includes a request from the customer to the support provider for support

It would have been obvious to one of ordinary skill in the art for the customer

issue to include a request from the customer to the support provider for support with the

motivation of showing that for an issue, customers recommend services from providers.

As per Claim 11, Breslin et al further discloses the method of claim 10, wherein the network node comprises a web portal. ([0035], application portal)

As per Claim 13, Breslin et al further discloses the method of claim 10, comprising the further step of generating email notifications according to a set of business rules, ([0040], email notifying the person of the assignment and the responsibilities associated therewith)

As per Claim 14, Breslin et al discloses having an assigned support provider check out the case from the CRM system. ([0043], outside support providers).

As per Claim 15, Breslin et al discloses, wherein the step of opening a new case is performed by the customer at the network node, ([0009], core repository that manages, monitors and measures all data privacy assessments across an institution, [0030], using a distributed client/server architecture , w/[0031], client is a web-based browser application);

As per Claim 16, Breslin et al further discloses, wherein the step of opening a new case is initiated automatically when the customer is out of compliance. ([0046], assessment is accomplished automatically).

As per Claim 18, Breslin et al further discloses a program product stored on a recordable medium that provides a customer relationship management (CRM) tool via the web, comprising:

-a portal page for providing distributed access on the web, and wherein the portal page provides access to a customer case management page for viewing all cases opened for a given customer and a case summary page for viewing details of individual cases, ([0035], shows incorporation of an application portal, w/[0077)], shows a user interface screen for providing the user with access to the collection, library, of data privacy materials that has been collected by the enterprise, and tables 4 and 6 shows user is able to select an application from a list of applications, [0013], user interface that allows upper management to review risk exposure and compliance status, [0004], where a summary or compiled data is shown, and Fig 5, Fig 11);

-a customer management module for managing customer cases and for assigning cases to different tiers within a support provider hierarchy, ([0033], lines 1-8, assignment to the manager in charge of the application, as this is the person in the organization with the most intimate knowledge about the current state of the operation of the application at any given time and ([0015], access levels for review of risk exposure and compliance) and

-a customer compliance module retrieves previously loaded customer compliance data

from a database, ([0055], shows <u>database</u> can be consulted when system determines

the <u>compliance</u> of the application with the laws and regulations of the jurisdictions in

which the application operates);

wherein the compliance data consists of information related to whether a

customer has met certain required pre-set goals set by the CRM system, compares the

compliance data for each customer with predetermined levels to track customer

compliance and displays a compliance indicator on customer case management page,

([0012], shows <u>compliance</u> with applicable sate and Federal laws is assessed and once

risk is acknowledged, a plan for reducing the risk or bringing the groups procedures into

<u>compliance</u> can be formulated, and progress towards <u>compliance</u> can be tracked, and

[0069], compliance indicator is displayed, in this case comparing is obvious since

compliance with applicable state and Federal laws requires some type of comparison

between current applications and the state and Federal laws).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to compare compliance data for each customer with predetermined

levels with the motivation of determining current compliance data.

Breslin et al fails to disclose access for customers and support

providers to case information within the CRM tool, wherein the customers and the

support providers are separate and distinct institutions however does disclose that an

application could have contact with both customer and employee data in [0047].

However, Jaskolski et al discloses a participant in the system may be the patient

himself, or skilled and unskilled staff as shown in [0039]. It therefore would be obvious

to combine the teachings of Breslin et al and Jaskolski et al to disclose access for

customers and support providers to case information within the CRM tool, wherein the

customers and the support providers are separate and distinct institutions.

It would have been obvious to one of ordinary skill in the art at the time of the

application to disclose access for customers and support providers to case information

within the CRM tool, wherein the customers and the support providers are separate and

distinct institutions with the motivation of showing that two individual parties are able to

access case information.

Neither Breslin nor Jaskolski et al disclose wherein a customer case includes a

request from the customer to the support provider for support, however, in Page 7, table

7 [Web 4] of Breslin shows that the customer has an opt out selection for data privacy

review, which suggests a "request" since if the customer does not opt out for data

privacy services, this is analogous to a request for services.

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case in Figs 2-12, Sarno discloses that intermediate service providers provides

infomediary services (e.g., for a transaction fee), and for example, the intermediate

service may be provided as an Internet application that allows buyers to submit

requests for solutions based upon a business case. It therefore would be obvious to

combine the teachings of Breslin et al and Sarno to disclose wherein a customer case

includes a request from the customer to the support provider for support.

It would have been obvious to one of ordinary skill in the art for the customer

case to include a request from the customer to the support provider for support with the

motivation of showing that for a case, customers recommend services from providers.

As per Claim 19, Breslin et al further discloses the program product of claim 18,

wherein the case management module further includes a notification system for

automatically generating emails when a new case is opened, ([0040], email notifying the

person of the assignment and the responsibilities associated therewith)

As per Claim 20, Breslin et al further discloses the program product of claim 18,

wherein the case management module further includes a system that allows support

providers to check-in/check-out cases, ([0040], when assignment is made, input screen

shows date on which the assignment was accepted and updates the applicable

database to record the assignment, [0045], shows alternate assignments, which makes

checking out cases obvious since when re-assigning to an alternate application, the

case must be checked out for the first application).

As per Claim 21, Breslin et al further discloses the program product of claim 18, wherein

the case management module further includes a set of business rules that determines

what level of case information is to be made available to customers and support

providers. ([0014], higher level managers have broader access than lower level

managers, which is based on seniority)

As per Claim 22, Breslin et al further discloses the program product of claim 18, wherein

the case management module further includes a set of business rules that determines

how cases are to be assigned and escalated among the different tiers of support

providers. ([0014], cases are assigned based on seniority)

As per Claim 23, Breslin et al further discloses the program product of claim 18, wherein

the compliance tracking module includes a set of business rules that determines a

compliance risk level for each customer. ([0014], ability to access risk assessment data)

As per Claim 26, The program product of claim 23, wherein the compliance tracking

module includes a system for creating a new customer case when a predetermined

compliance risk level occurs. (abstract, lines 18-24, If a risk exists, a plan for reducing

the risk or bringing the application into compliance can be formulated, and progress

towards compliance can be tracked, w/[0010], shows a six-step system to bring status

into compliance, which includes employing automated questionnaires, which is a step

involved in processing of assessment for each application, which therefore suggests

that the process is done for *new* applications since as shown in [0033], the person is

just assigned to a particular application for the purpose of review/assessment).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to create a new customer case when a predetermined compliance risk level occurs with the motivation of creating a new case that can be re-assessed for compliance.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
June 9, 2009

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628